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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,721	12/26/2000	Kazuki Matsui	1405.1030 (JDH)	9516
21171	7590	06/14/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			RETTA, YEHDEGA	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N .

09/745,721

Applicant(s)

MATSUI ET AL.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to REQUEST FOR CONTINUED EXAMINATION (RCE) filed March 28, 2006. Applicant amended claims 1-3 and 10-12. Claims 1-12 are currently pending.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claims broadcasting of information while given person is traveling. The Examiner understands this limitation as broadcasting the information while the traveler is on the plane or train. Based on the understanding, Applicant does not have support in the specification. Applicant's specification teaches the system referring to the traveler schedule to check whether there was change to the travel plan or whether the ticket was used, however does not teach broadcasting information while the person is traveling.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, “automatically broadcasting to an information terminal” and “and broadcasting said pre-registered advertising information or reference information to a communication address”. Applicant is claiming broadcasting the same information to two different unit or location, the information unit and the communication address. It is unclear if the two location are the same or not. Clarification is required.

### ***Claim Rejections - 35 USC § 103***

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stiles et al. (US 6,842,737).

Regarding claims 1-3, 10-12, Stiles teaches automatically broadcasting to an information terminal for a given person pre-registered advertising information or reference information in connection with dates and times and/or places appropriate to the an itinerary (see abstract, col. 1 line 27 to col. 2 line 22, col. 3 lines 25-39, col. 7 line 29 to col. 8 line 53). Stiles teaches providing travel-plan schedules to third parties and accepting from the third part relevant information and broadcasting at predetermined timings the relevant information (see col. 7 line 10 to col. 8 line 53, col. 9 lines 30 to col. 10 line 25 and fig 18). Stiles teaches broadcasting pre-registered advertising information or reference information to a communication device according progress of an initial travel schedule or according to an updated travel schedule (see col. 16 lines 1-67, col. 7 lines 39-67). *Stiles teaches the travel intelligence report (TIR) linked to a travel*

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*agency web site and being presented to a traveler while purchasing an airline ticket. Stiles teaches (see abstract) “(t)he associated system performs these functions, among others, to provide information for a traveler planning a trip to a particular destination or destinations”, i.e., providing information according to the time or place of the first destination and the time and place of the second destination, which is the progress of the travel schedule (same as applicant’s invention). It is well known for online travel agency to store traveler’s itinerary and to determine the location of the traveler based on the ticket use. It is also well known to purchase an airline ticket with several destinations or with a stop-by or that requires a transfer. Further it is well known to change the travel plan or schedule at the web site and for the web site to keep record of the change or update the traveler’s itinerary. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to know that Stiles would refer to the traveler’s itinerary to check current travel plan before broadcast relevant information.*

Regarding claims 4-9, Stiles teaches predetermined personal information stored correlating with the communication addresses wherein the addresses are changed according to travel-plan schedule wherein the third part is billed according to broadcast count, etc (see col. 2 lines 4-22, col. 8 line 14 to col. 9 line 28, col. 9 line 37 to col. 10 line 65).

### ***Response to Arguments***

Applicant's arguments filed October 31, 2005 have been fully considered but they are not persuasive.

Applicant asserts that broadcasting of the relevant information takes place while the travelers are traveling and the claim patentably distinguish from Stiles. If Applicant is claiming that the system first checks if the traveler is on his/her way to a travel destination and then

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broadcasts the information while the traveler is traveling, not before or after but only when the traveler started the trip, then Applicant did not enable the system to include such feature.

Referring back to Applicant's specification, applicant teaches the designation of travel plans, travel destination region, etc., cited as broadcasting prerequisites. For example, the specification teaches, if a broadcasting region "Osaka" and broadcasting date "Jul. 3, 2000 to Jul. 5, 2000" are designated, advertisement are broadcasted to travelers in Osaka in a period of Jul. 3, 2000 to Jul. 5, 2000, the advertisement may be broadcasted beforehand to traveler who is anticipated to be in a designated region. Further the specification teaches an e-mail address of a traveler used as a traveler ID and the third party refers to the schedule of the travel plan and knows where and when the traveler comes and registers advertisements suitable to the travel plan in the server, the server broadcasts the advertisements to the participants of the travel plan one week before the travel's start date or every time they move. The same as Stiles invention.

Applicant's specification teaches "registering in the information-provision service device relevant information in connection with to-be-visited travel destinations in the travel schedule, as well as broadcasting prerequisites for broadcasting the relevant information; and matching the broadcasting prerequisites for the relevant information with the travel schedule, extracting travelers who meet the broadcasting prerequisites, and broadcasting the relevant information to the extracted travelers, communications addresses according to the progress of the travel schedule.

Stiles teaches (see abstract) "(t)he associated system performs these functions, among others, to provide information for a traveler planning a trip to a particular destination or destinations", i.e., providing information according to the time or place of the first destination

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and the time and place of the second destination, which is the progress of the travel schedule (same as applicant's invention).

***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YR

  
**RETTA YEHDEGA**  
**PRIMARY EXAMINER**